

VETO—S. 2096

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT MY APPROVAL S. 2096, A BILL REQUIRING THE SECRETARY OF HEALTH, EDUCATION AND WELFARE TO CONDUCT A STUDY OF THE LONG-TERM HEALTH EFFECTS IN HUMANS OF EXPOSURE TO A CLASS OF CHEMICALS KNOWN AS DIOXINS



JANUARY 3, 1980.—Ordered to be printed

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WASHINGTON : 1980

TO THE SENATE OF THE UNITED STATES:

I am returning without my approval S. 2096, a bill requiring the Secretary of Health, Education, and Welfare to conduct a study of the long-term health effects in humans of exposure to a class of chemicals known as dioxins.

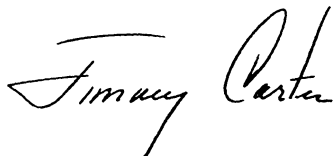
I strongly support the effort to investigate the effects of dioxins. The exposure of individuals to these substances has been a matter of concern to this Administration and is the subject of a number of studies currently being carried out by several Federal agencies, including the Department of Defense, the Environmental Protection Agency, the Veterans Administration, and the Department of Health, Education, and Welfare. However, I cannot approve S. 2096 because it includes what I believe to be an unconstitutional requirement that the Secretary of HEW conduct a study only after the protocol for that study has been approved by the Director of the Office of Technology Assessment, which is an office and an arm of the Congress.

I have previously informed Congress of my view that legislative veto devices are unconstitutional intrusions into the day-to-day administration of the law by the Executive Branch. Congress is constitutionally empowered to direct Executive Branch decisions executing the law only by enacting legislation subject to the veto power of the President under Article I, section 7 of the Constitution. In my view, such legislative power may not constitutionally be delegated to committees of the Congress or to offices subordinate to committees of the Congress.

I recently signed into law a bill (H.R. 3892, P.L. 96-151) containing a similar provision requiring the Veterans Administration to conduct a study -- subject to the approval of the Office of Technology Assessment -- of the effect of dioxins

on Vietnam-era veterans. I approved P.L. 96-151 because it extended the appropriation authorizations for several veterans medical programs and because it included provisions affecting veterans medical care which had been the subject of lengthy discussions between the Administration and the Congress. I viewed the provision in that bill requiring approval of the study by the Office of Technology Assessment as being constitutionally defective, and I am instructing the VA Administrator not to treat that provision as legally binding.

This Administration intends to continue its support of efforts to ascertain the health effects of dioxin exposure. Enactment of S. 2096 is unnecessary, since HEW is already planning to conduct the study called for by the bill under the authority of the Public Health Service Act. I am requesting Secretary Harris to move forward expeditiously on this study. In addition, my Assistant for Domestic Affairs and Policy recently ordered the establishment of an interagency work group to study the long-term health effects of exposure to this class of chemicals. I believe the studies currently being conducted will result in an improved and a more well-coordinated Federal response to whatever dangers these chemicals pose to the health of American citizens.

A handwritten signature in cursive script, reading "Jimmy Carter". The signature is written in dark ink and is positioned to the right of the typed text.

THE WHITE HOUSE,  
January 2, 1980.